



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 6509-99

11 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 14 November 1956 at age 17. The record shows that during the period 31 October 1957 to 17 November 1958 you received nonjudicial punishment on three occasions and were convicted by two summary courts-martial and a special court-martial. Your offenses were two periods of unauthorized absence totaling about 42 days, three absences from your appointed place of duty, breaking restriction, making a false official statement, disobedience, misbehavior as a sentinel and possession of another man's clothing.

Based on this record of misconduct, you were processed for an administrative discharge. On 12 January 1959 the discharge authority directed an undesirable discharge by reason of unfitness. You were so discharged on 4 February 1959.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education and low score on the aptitude test. The Board also considered the character references you submitted showing that you have been a good citizen for many years. However, the Board found that these factors were not sufficient to warrant

recharacterization of your discharge given the frequency of your misconduct. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director